

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**JIMMY DAVIS,**

**PLAINTIFF**

**V.**

**NO. 4:05CV161-P-B**

**MYRON HALL, ET AL,**

**DEFENDANTS**

**FINAL JUDGMENT**

The *pro se* plaintiff, an inmate in custody of the Mississippi State Penitentiary at Parchman, alleges in this § 1983 complaint that the defendants assaulted him. Magistrate Judge Eugene Bogen held a hearing in this matter pursuant to *Spears v. McCotter*, 766 F.2d 179 (5<sup>th</sup> Cir. 1985) on December 7, 2005, and on December 8, 2005, filed a Report and Recommendation recommending that the complaint be dismissed for failure to state a claim upon which relief could be granted. The plaintiff filed objections to the Report and Recommendation on December 15, 2005.

The court finds that plaintiff's argument is not well-taken and that the objections should be overruled for the reasons stated in the Report and Recommendation, which the court approves and adopts as its opinion.

THEREFORE, it is hereby ORDERED that

1) the plaintiff's objections to the Report and Recommendation of the United States Magistrate Judge are OVERRULED;

2) the Report and Recommendation is APPROVED and ADOPTED as the opinion of this court;

3) the cause is DISMISSED with prejudice for failure to state a complaint upon which relief could be granted; and

4) this matter is CLOSED.

SO ORDERED, this the 28<sup>th</sup> day of December, 2005.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE